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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,160	08/17/2001	Raymond John Herbert	5057	1471

26936 7590 10/07/2005  
SHOEMAKER AND MATTARE, LTD  
10 POST OFFICE ROAD - SUITE 110  
SILVER SPRING, MD 20910

EXAMINER
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JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*ku*

## Office Action Summary

Application No.

09/931,160

Applicant(s)

HERBERT, RAYMOND JOHN

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*AD*

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-50 are presented.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (cited by Applicant, EP0851373A2)

Regarding claim 1, Ryan teaches "An item handling system, comprising:  
at least one item preparation station for printing machine-readable symbols on items;  
and at least one item handling station for receiving items from the at least one item preparation station and being operable to machine read process information contained in the symbols printed on the items; wherein: the at least one item handling station includes a messaging ... for generating messages representative of the readability of symbols read thereby and transmitting the messages to the at least one item preparation station; and the at least one item preparation station includes an indicator for providing an indication of a readability of symbols minted thereby in response to

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messages received from the at least one item handling station (throughout columns 1 and 2, especially column 2, lines 53 which discusses print quality handling)."

These passages of Ryan do not teach that the messaging be done with a messaging "unit" in the sense of the claim.

Nevertheless, it was well known in the art to have a "unit" situation among – for the motivation of easier manufacturing and control (because such modularity lends to easier manufacturing and control).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Ryan for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims, 3, 25 (payment, etc..), such particular features are discussed at column 1, lines 15-20.

Regarding claims 2, 4-24 26-50, while such features are not explicitly stated in Ryan, such particular features are well known in the art of postage metering for the purpose of handling postage payments. See for instance the discussion of the postage metering and bar codes at column 1, lines 7-47.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to David Jung whose telephone number is (571) 272-3836  
or Greg Morse whose telephone number is (571) 272-3838.

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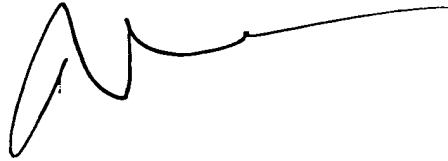
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David Jung

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Patent Examiner

10/3/05

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